THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10767 of 2007

Dated:17.07.2007

Between:

Nutakki Amara Vidya Sagar, S/o.Lakshmi Narayana.

…Petitioner

and

Government of A.P., rep.by its Prl.Secretary,
Revenue, Secretariat, Hyderabad,
and others.

…Respondents

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ORDER:

The petitioner statedly belongs to Scheduled Caste. He was assigned Ac.0.90 cents (37 Hectares) of land in Survey No.134-3/23 situated at Mangalagiri, Guntur District, on 15.09.1978. The petitioner developed the land, and is allegedly cultivating the same. Sometime thereafter, the petitioner got employment in a Bank, but his family members continued to be in occupation of the land. The petitioner alleges that respondents 2 to 4 herein are now contemplating to resume the land and dispossess the petitioner without following the procedure under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). In this Writ Petition, the petitioner, therefore, seeks a declaration that the action of respondents 2 to 4 in interfering with his peaceful possession, as illegal and arbitrary.

Learned Assistant Government Pleader for Revenue (Assignment) after getting instructions submits that the total extent of land admeasuring Acs.75.52 cents in Survey No.134/3 of Mangalagiri was assigned to 86 persons in 1978 for agricultural purpose. Some of the assignees converted the land into house sites and sold away. Therefore, action was initiated against them and eviction orders were passed. He has also placed before this Court proceedings bearing Rc.No.47/96-B, dated 03.04.2007, passed by the third respondent under Section 4 of the Act resuming the land on the ground that the

same was not cultivated and converted into house sites. A perusal of the same would show that a notice was also issued on 13.03.2007 to the assignees mentioned therein. Therefore, the petitioner's remedy is to obtain a copy of the order, and prefer an appeal before the Revenue Divisional Officer against the same. This Writ Petition is filed on a factual foundation, which is not correct.

The Writ Petition is, therefore, dismissed. No costs.

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(V.V.S.RAO, J)

17.07.2007
vs